

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KACEY KIMBROUGH, Special Administrator of
the Estate of Shawn Thomas Kimbrough,

Plaintiff,

vs.

CHRISTOPHER JAMES GORHAM; JENNINGS
PLANT SERVICES, LLC; SPENCER R.
JENNINGS; TARIN K. JENNINGS; and HOPE
COOPERATIVE CARE, INC.;

Defendants.

8:21CV35

ORDER TO SHOW CAUSE

Federal Rule of Civil Procedure 4(m) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff -- must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

Plaintiff filed the Complaint on January 29, 2021. (Filing No. 1). More than 90 days has elapsed since the Complaint was filed. To date, Plaintiff has not filed any return of service indicating service on defendant, Christopher James Gorham, a waiver of service has not been filed, Gorham has not entered a voluntary appearance, and Plaintiff has not requested an extension of time to complete service.¹ Accordingly,

IT IS ORDERED that Plaintiff shall have until **May 14, 2021**, to show cause why defendant, Christopher James Gorham, should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) or for want of prosecution. The failure to timely comply with this order may result in dismissal of this action as to Gorham without further notice.

Dated this 30th day of April, 2021.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge

¹ Additionally, Plaintiff has filed no waiver of service or summons return as to defendant, Jennings Plant Services, LLC, although counsel has entered an appearance for that defendant. Plaintiff should file the waiver or summons return for that defendant so the court can be assured all defendants have been served.